

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY 20 1997

Federal Communications Commission
Office of Secretary

In the Matter of:

Advanced Television Systems
and their Impact Upon the Existing
Television Broadcast Service

MM DOCKET NO. 87-268

TO: The Commission

PETITION FOR PARTIAL RECONSIDERATION

On behalf of Rapid Broadcasting Company ("RBC"), we hereby submit this Petition for Partial Reconsideration of the Commission's *Sixth Report and Order* ("*Sixth R&O*") in the captioned proceeding. RBC is the licensee of low power TV ("LPTV") Station KNBN-LP in Rapid City, South Dakota, and the permittee of LPTV Stations K27ED and K31DK, also in Rapid City, South Dakota.

RBC is the exclusive NBC network affiliate for the Rapid City Designated Market Area ("DMA") and most viewers who watch NBC programming over RBC's facilities do not realize they are watching an LPTV station. Indeed, RBC's LPTV stations provide all of the network and local programming that any other full power TV station would provide. Thus, from the perspective of the average viewer in Rapid City, KNBN-LP and RBC's other stations look and operate like full power TV stations.

In our comments filed in connection with the Commission's *Notice of Proposed Rulemaking* ("*NPRM*") in this proceeding, we asked the Commission to consider alternative digital TV ("DTV") allotments for KOTA-TV (Channel 3, Rapid City) and KHSD-TV (Channel 11, Lead, South Dakota) to avoid potential interference with RBC's operations on

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KNBN-LP and K31DK. Not only were our comments unheeded, but there are now six stations with DTV allotments that could potentially interfere with RBC's operations on its three LPTV channels.

Specifically, the Commission's currently proposed DTV allotments for KOTA-TV, KHSD-TV, KBHE-TV (Channel 9, Rapid City), KCLO-TV (Channel 15, Rapid City), KIVV-TV (Channel 5, Lead) and KPSD-TV (Channel 13, Eagle Butte, South Dakota) all have the potential to interfere with RBC's LPTV operations. Because this area of the country is somewhat more remote than the East and West Coasts, alternative DTV allotments could have been made to avoid this interference, and **we urge the Commission to make these alternative allotments.** See attached Technical Exhibit prepared by Graham Brock, Inc. Specifically, we suggest the following alternative DTV allotments:

<u>Station</u>	<u>NTSC Channel</u>	<u>DTV Allotment</u>	<u>DTV Proposal</u>
KPSD	13	24	44
KIVV	5	26	59
KHSD	11	27	62
KOTA	3	22	49
KBHE	9	23	50
KCLO	15	16	53

Although several of the proposed DTV allotments are outside the "core spectrum" proposed by the Commission (Channels 2-51), all stations have at least one channel within the core spectrum and can switch DTV operations to a channel within the core

spectrum at some point. This approach was specifically adopted by the Commission in making its DTV allotments. *Sixth R&O* ¶¶ 76-84.

Although the Commission stated that it "continue[s] to recognize the benefits that low power stations provide to the public," (*NPRM*, ¶ 67) its continued failure to take LPTV stations into account in devising its proposed DTV allotments reduces that recognition to mere lip service. In the case of RBC, the Commission's proposals would displace all three of its full service, NBC network-affiliated LPTV stations. Had the Commission taken RBC's stations into account, it could have made the allotments proposed above (*see* enclosed Technical Exhibit), and thereby avoided any displacement of existing LPTV service. If the Commission is to take the public interest into account, as it must, then it must also realize that viewers cannot distinguish between full power and low power TV stations, particularly when those stations are airing NBC network programming. The displacement inherent in the Commission's current DTV proposals would cause unnecessary loss of viewership, additional expense, and disruption to this existing network service in the Rapid City DMA. Accordingly, we request the Commission to partially reconsider its *Sixth R&O* to make alternative DTV allotments that would not interfere with RBC's LPTV operations.

Respectfully submitted,

RAPID BROADCASTING COMPANY

By: _____



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Washington, D.C. 20006
(202) 659-9750

May 20, 1997

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
RAPID BROADCASTING COMPANY
MM DOCKET # 87-268
LOW POWER TELEVISION STATIONS
KNBN-LP/K27ED/K31DK
RAPID CITY, SOUTH DAKOTA
November 1996

TECHNICAL EXHIBIT

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TECHNICAL COMMENTS
RAPID BROADCASTING COMPANY
MM DOCKET # 87-268
LOW POWER TELEVISION STATIONS
KNBN-LP/K27ED/K31DK
RAPID CITY, SOUTH DAKOTA
May 1997

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of Rapid Broadcasting Company ("RBC"), licensee/permittee of Low Power Television stations K27ED and K31DK, Rapid City, South Dakota. RBC also has an LMA with the permittee of KNBN-LP, Channel 27, Rapid City, South Dakota. RBC herein submits technical comments in support of a Petition for Reconsideration.

2. In the Commission's Fifth and Six Reports and Order, MM Docket #87-268, six full power stations; KOTA-TV, Channel 3, Rapid City; KBHE-TV, Channel 19, Rapid City; KCLO-TV, Channel 15, Rapid City; KIVV-TV, Channel 5, Lead; KHSD-TV, Channel 11, Lead; and KPSD-TV, Channel 24, Eagle Butte, South Dakota, were given HDTV channels which could cause displacement to KNBN-LP, K27ED or K31DK (in some cases more than one channel could cause displacement).

3. Therefore, a search was conducted to determine the availability of alternate channels which would not displace the authorized low power stations. Exhibit #1 demonstrates Channel 44 could be allotted to Eagle Butte, South Dakota, at the KBPS-TV transmitter site in compliance with the proposed §73.623(d)(1) of the Commission's rules. Further, Exhibit #2

demonstrates Channel 59 can be allotted to Lead, South Dakota, at the present KIVV-TV transmitter site. Allocating these alternate channels would not cause the displacement of any existing Low Power Television facilities in Rapid City, South Dakota. Exhibit #3 demonstrates Channel 62 could be allotted to Lead, South Dakota, at the KHSD-TV transmitter site and be in compliance with the proposed §73.623(d)(1) of the rules. Exhibit #4 shows Channel 49 can be allotted to Rapid City, South Dakota, at the KOTA-FM transmitter site. Exhibit #5 shows Channel 50 can be allotted for use by KBHE-TV at Rapid City, South Dakota. Finally, Exhibit #6 shows Channel 53 can be allotted to Rapid City, South Dakota, at the KCLO-TV transmitter site.¹

4. The foregoing Technical Statement and attached exhibits were prepared on behalf of Rapid Broadcasting Company by Graham Brock, Inc., its Technical Consultants. All data related to the proposed channels was extracted from the NTIA TV Database as update on May 16, 1997, with DTV allotments extracted from the Commission's Fifth and Sixth Report and Order, MM Docket #87-208. We assume no liability for errors or omissions in that database which may be adverse to the requests contained herein.

1) The spacing studies are based on §73.623(d)(1) of the proposed minimum distance separation UHF DTV to DTV spacing. When NTSC channels impacted the DTV channel, the more restrictive NTSC spacing was used.

SEARCHTV (C) 1988-94, D. Vernier

Graham Brock, Inc.
Broadcast Technical Consultants
St. Simons Island, GA - Washington, DC

Alternate DTV Paired Channel
KPSD-TV
Eagle Butte, South Dakota

Reference: N Lat. 45° 03' 20" W. Lng. 102° 15' 40"

Channel # 44

Ch	Call	City	St	Required	Clear	Bear.	Dist.
39	DTV	MILES CITY	MT	88.5	228.2	298.4	316.73
43	DTV	MARTIN	SD	88.5	100.2	162.6	188.72
44	AD DTV	EAGLE BUTTE	SD	223.7	-223.7	0.0	0.0
49	AD DTV	RAPID CITY	SD	88.5	46.4	215.6	134.92
59	AD DTV	LEAD	SD	88.5	60.5	237.0	149.00

CHANNEL 44 STUDY

EXHIBIT #1
TECHNICAL COMMENTS
RAPID BROADCASTING CO
MM DOCKET #87-268
KNBN-LP/K27ED/K31DK
RAPID CITY, SOUTH DAKOTA
May 1997

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

SEARCHTV (C) 1988-94, D. Vernier

Graham Brock, Inc.
Broadcast Technical Consultants
St. Simons Island, GA - Washington, DC

Alternate DTV Paired Channel
KIVV-TV
Lead, South Dakota

Reference: N. Lat. 44° 19' 30" N. Lat. 103° 50' 14"

Channel # 59

Ch	Call	City	St	Stat	Required	Clear	Bear.	Dist.
56Z	AL344	LOWRY	SD	AAL	32.0	292.2	70.2	324.20
59N	K59FU	PIERRE	SD	XCP	257.8	17.2	89.2	275.02
59	AD DTV	LEAD	SD		223.7	-223.7	0.0	0.00
62	AD DTV	LEAD	SD				13.3	0.19
62+	AL346	LOWRY	SD	AAL	32.0	292.2	70.2	324.20
66N	K66EQ	COLSTRIP, ETC MT	XCP	D	63.4	231.0	304.9	294.35
66N	K66EQ	COLSTRIP, ETC MT	XLI	D	45.8	248.6	304.9	294.35
66+	K66FK	CASPER	WY	XCP	47.7	218.3	228.7	265.96

CHANNEL 59 STUDY

EXHIBIT #2
TECHNICAL COMMENTS
RAPID BROADCASTING CO
MM DOCKET #87-268
KNBN-LP/K27ED/K31DK
RAPID CITY, SOUTH DAKOTA
May 1997

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

SEARCHTV (C) 1988-94, D. Vernier

Graham Brock, Inc.
Broadcast Technical Consultants
St. Simons Island, GA - Washington, DC

Alternate DTV Paired Channel
KHSD-TV
Lead, South Dakota

Reference : N. Lat 44° 19' 36" W. Lng. 103° 50' 12"

Channel # 62

Ch	Call	City	St	Stat	Required	Clear	Bear.	Dist.
59	AD DTV	LEAD	SD				193.3	0.19
61N	K61BL	COLSTRIP, ETC	MT	XLI D	34.7	259.0	304.9	293.67
62N	K62AV	LOWRY	SD	XLI D	272.8	49.7	70.9	322.56
62	AD DTV	LEAD	SD		223.7	-223.7	0.0	0.00
62+	AL346	LOWRY	SD	AAL	417.7	-93.6	70.2	324.09
69N	K69AL	VALENTINE	NE	XLI D	37.4	271.4	120.8	308.86
69N	K69DJ	PHILIP, ETC.	SD	XLI	36.1	138.9	103.2	175.05

CHANNEL 62 STUDY

EXHIBIT #3
TECHNICAL COMMENTS
RAPID BROADCASTING CO
MM DOCKET #87-268
KNBN-LP/K27ED/K31DK
RAPID CITY, SOUTH DAKOTA
May 1997

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

SEARCHTV (C) 1988-94, D. Vernier

Graham Brock, Inc.
Broadcast Technical Consultants
St. Simons Island, GA - Washington, DC

Alternate DTV Paired Channel
KOTA-TV
Rapid City, South Dakota

Reference: N. Lat. 44° 04' 08" W. Lng. 103° 15' 03'

Channel # 49

Ch	Call	City	St	Stat	Required	Clear	Bear.	Dist.
34N	K34DP	PLEVNA	MT	XLI D	46.5	236.7	339.5	283.28
49	AD DTV	RAPID CITY	SD		223.7	-223.7	0.0	0.00
50	AD DTV	RAPID CITY	SD				162.3	1.98
50Z	K50DX	GILLETTE	WY	XLI	38.2	145.8	276.0	184.04
50+	K50EN	CASPER	WY	XCP	49.6	238.5	239.3	288.05
53	AD DTV	RAPID CITY	SD				13.5	0.19
56N	K56AX	LOWRY	SD	XLI D	82.6	209.1	62.6	291.71
56Z	AL344	LOWRY	SD	AAL	100.0	193.8	61.9	293.82

CHANNEL 49 STUDY

EXHIBIT #4
TECHNICAL COMMENTS
RAPID BROADCASTING CO
MM DOCKET #87-268
KNBN-LP/K27ED/K31DK
RAPID CITY, SOUTH DAKOTA
May 1997

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

SEARCHTV (C) 1988-94, D. Vernier

Graham Brock, Inc.
Broadcast Technical Consultants
St. Simons Island, GA - Washington, DC

Alternate DTV Paired Channel
KBHE-TV
Rapid City, South Dakota

Reference: N. Lat 44° 03' 07" W. Lng. 103° 14' 36"

Channel # 50

Ch	Call	City	St Stat	Required	Clear	Bear.	Dist.
49	AD DTV	RAPID CITY	SD			342.3	1.98
50	AD DTV	RAPID CITY	SD	223.7	-223.7	0.0	0.00
50Z	K50DX	GILLETTE	WY XLI	282.6	-97.7	276.6	184.87
50+	K50EN	CASPER	WY XCP	293.9	-6.3	239.6	287.65
53	AD DTV	RAPID CITY	SD			344.9	2.14

CHANNEL 50 STUDY

EXHIBIT #5
TECHNICAL COMMENTS
RAPID BROADCASTING CO
MM DOCKET #87-268
KNBN-LP/K27ED/K31DK
RAPID CITY, SOUTH DAKOTA
May 1997

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

SEARCHTV (C) 1988-94, D. Vernier

Graham Brock, Inc.
Broadcast Technical Consultants
St. Simons Island, GA - Washington, DC

Alternate DTV Paired Channel
KCLO-TV
Rapid City, South Dakota

Reference: N. Lat. 44° 04' 14" W. Lng. 103° 15' 01"

Channel # 53

Ch	Call	City	St	Stat	Required	Clear	Bear.	Dist.
39	DTV	MILES CITY	MT				321.9	330.10
50	AD DTV	RAPID CITY	SD				164.9	2.14
53	AD DTV	RAPID CITY	SD		223.7	-223.7	0.0	0.00
56Z	AL344	LOWRY	SD	AAL	31.4	262.3	61.9	293.70
68-	AL348	LOWRY	SD	AAL	119.9	173.8	61.9	293.70

CHANNEL 53 STUDY

EXHIBIT #6
TECHNICAL COMMENTS
RAPID BROADCASTING CO
MM DOCKET #87-268
KNBN-LP/K27ED/K31DK
RAPID CITY, SOUTH DAKOTA
May 1997

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

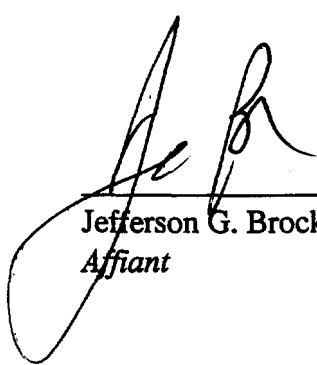
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Rapid Broadcasting Company to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 19th day of May, 1997.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 19th day of May, 1997*



Notary Public, State of Georgia
My Commission Expires September 12, 1999

CERTIFICATE OF SERVICE

I, Elizabeth Johnson, hereby certify that on this 20th day of May 1997, copies of the foregoing were mailed, first class, postage prepaid, to the following:

KHSD-TV
Duhamel Broadcasting Enterprises
Box 1760
Rapid City, SD 57709

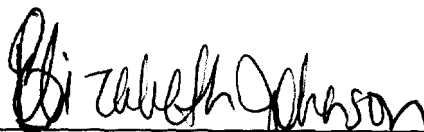
KIVV-TV
KEVN, Inc.
Box 677
Rapid City, SC 57709

KCLO-TV
Young Broadcasting of Rapid City, Inc.
599 Lexington Avenue
47th Floor
New York, NY 10222

KOTA-TV
Duhamel Broadcasting Enterprises
Box 1760
Rapid City, SD 57709-1760

KPSD-TV
SD Bd. of Dir. for Ed. Telecom.
Dakota & Cherry Streets
Box 5000
Vermillion, SD 57069-5000

KBHE-TV
SD Bd. of Dir. for Ed. Telecom.
Dakota & Cherry Streets
Box 5000
Vermillion, SD 57069-5000



Elizabeth Johnson